

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Douglas E. Arpert
v. : Mag. No. 11-2525 (DEA)
DAVID WAX and : ORDER FOR CONTINUANCE
JUDY WAX :

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (R. Joseph Gribko, Assistant U.S. Attorney, appearing), and defendants DAVID WAX and JUDY WAX (Mitchell J. Ansell, Esq. and Steven Secare, Esq., appearing), for an order granting a continuance of the proceedings in the above-captioned matter for a period of 60 days to permit defense counsel the reasonable time necessary for effective preparation in this matter and to allow the parties to conduct plea negotiations and attempt to finalize a plea agreement, and nine continuances having previously been granted by the Court pursuant to Title 18, United States Code, Section 3161(h)(7)(A), for the purpose of effective preparation and so that the parties could attempt to resolve the matter and thereby avoid a possible trial, and the defendant being aware that the defendant has the right to have the matter submitted to a grand jury within thirty days of the date of the defendant's arrest, pursuant to Title 18, United

States Code, Section 3161(b), and the defendant having consented to the continuance and waived such right, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) Taking into account the exercise of diligence, therefore, the facts of this case require that defense counsel be permitted a reasonable amount of additional time for effective preparation in this matter;

(2) Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to negotiate a plea agreement, which would render any grand jury proceedings and any subsequent trial of this matter unnecessary;

(3) As a result of the foregoing, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this 29th day of November, 2011,

ORDERED that this action be, and hereby is, continued for a period of 60 days from November 26, 2011, to January 25, 2012; and it is further

ORDERED that the period from November 26, 2011 to January 25, 2012 shall be excludable in computing time under the Speedy Trial Act of 1974.



HON. DOUGLAS E. ARPERT
United States Magistrate Judge




Nelson S.T. Thayer, Jr.
Attorney In Charge, Trenton Office

Mitchell Ansell, Esq.
Counsel for Defendant David Wax

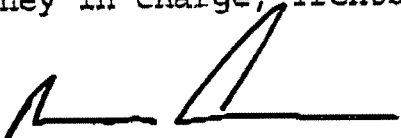
Steven Secare, Esq.
Counsel for defendant Judy Wax

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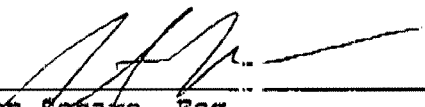
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